



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Docket No: Q80693

Naotoshi SHIRAYANAGI

Appln. No.: 10/811,862 Group Art Unit: 3617

Confirmation No.: 2473 Examiner: Edwin L. Swinehart

Filed: March 30, 2004

For: ENGINE CONTROL APPARATUS

DECLARATION UNDER 37 C.F.R. § 1.132

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Mr/Dr. Atsuhisa Ichikawa, hereby declare and state:

THAT I am a citizen of Japan;

THAT I have received the degree of bachelor

in department of engineering from Aichi Institute of Technology University

THAT I have been employed by Asahi Denso Co., Ltd. since 1986,

where I hold a position as a chief, with

responsibility for patent procedures of engine control apparatus;

I understand the subject matter of the above Application and the cited references. I have reviewed the Office Actions in the above case dated March 30, 2006, June 8, 2005 and January 28, 2005, as well the cited references including Watanuki (US 5,819,564). The Examiner contends that is easy to open the cap 10 in the structure of Watanuki. However in my opinion, it

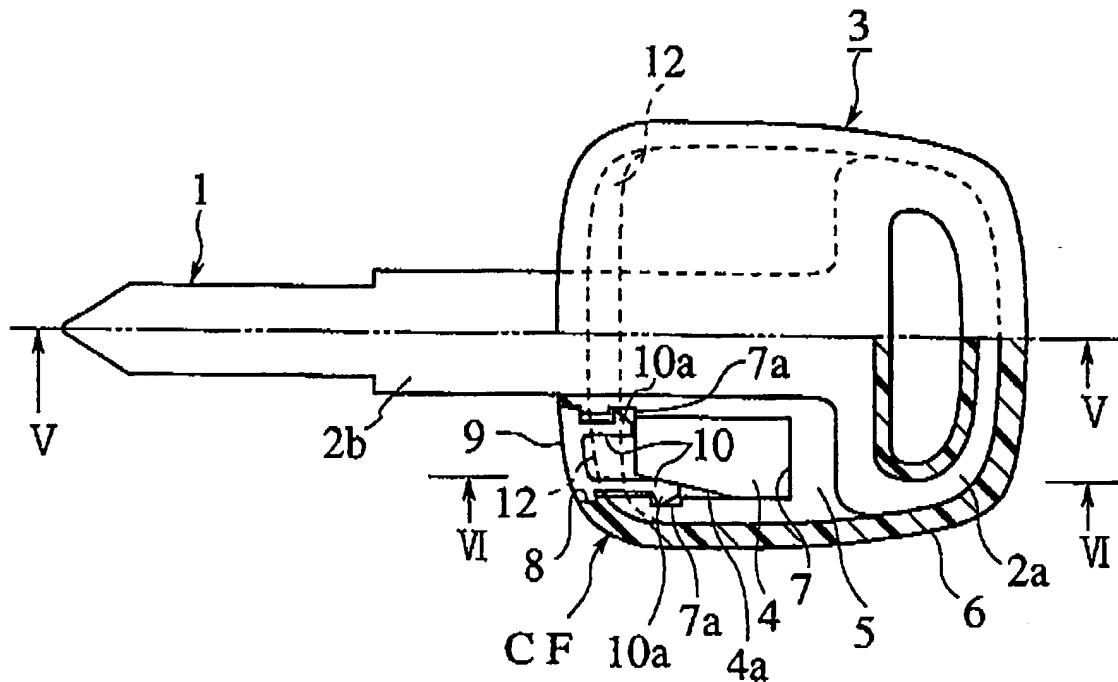
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is not possible to open the cap 9 without breaking the structure of the device shown in Fig. 4 of Watanuki.

The hooks 10a are engaged in the hooking grooves 7a. It is impossible to release the engagement without inwardly bending the hooks 10a. However, the lid portion of the cap 9 will obstruct such an inward bending of the hooks. Therefore, it is not believed to be possible to bend the hooks 10a.

FIG. 4



As shown clearly in Fig 4 of Watanuki, the cap 9 is clicked into position by pushing it in. When it is pushed in the hooks bend inwards and finally get hooked on in the grooves 7a. The



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electronic part 4 (which the patent office construes to be the transponder) snugly fits inside 3 and is prevented by the cap 9 from slipping out. Once it is placed in, there does not appear to be a way for replacing it, without actually breaking the cap 9 and then replacing with a new cap.

To the best of my knowledge and experience, the Examiner is wrong in his understanding of Watanuki.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: June 22, 2006

Atsuhisa Ichikawa
Mr/Dr. _____